

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**ERIC D. WHEELER,**

**Plaintiff,**

**-v-**

**RYAN T. HALBURNT, et al.,**

**Defendants.**

**Case No. 3:12-cv-182**

**Judge Thomas M. Rose**

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**ENTRY AND ORDER RECOMMITTING THIS MATTER TO  
MAGISTRATE JUDGE SHARON L. OVINGTON**

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This case is before the Court on Plaintiff Eric D. Wheeler's ("Wheeler's") Objections (doc. #5) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #3) regarding a sua sponte review of Wheeler's Complaint to determine whether the Complaint, or any portion of it should be dismissed because it is frivolous, malicious or fails to state a claim upon which relief may be granted.

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and making recommendations based upon that analysis.

**DONE and ORDERED** in Dayton, Ohio this Sixth Day of July, 2012.

**s/Thomas M. Rose**

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**THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE**

Copies furnished to:

Counsel of Record

Eric D. Wheeler at his last address of record